

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BIAX CORPORATION,)	
)	
Plaintiff,)	
Counterclaim-Defendant,)	
)	Case No. 2:05-CV-184 (TJW)
v.)	
)	
INTEL CORPORATION)	
)	
and)	
)	
ANALOG DEVICES, INC.,)	
)	
Defendants,)	
Counterclaim-Plaintiffs.)	

**IDENTIFICATION OF WORK PRODUCT DOCUMENT PURSUANT TO THE
COURT’S FEBRUARY 1, 2007 ORDER**

This Court’s February 1, 2007 Order required that “BIAX shall submit to the court within 10 days a log indicating any document disclosed to LRM that BIAX contends is still protected by the work product doctrine.” Order at 11. BIAX has produced to Defendants all documents disclosed to LRM.

Entry number 909 on BIAX’s Supplemental Privilege Log is a document that was not disclosed to LRM, but contains notes from a meeting at which LRM representatives were present. BIAX contends that the document is protected by the work product doctrine because it contains the work product of BIAX attorney Gary Walpert and was generated in anticipation of a patent infringement litigation that BIAX filed on September 5, 2001 entitled *BIAX v. Apple Computer, Inc., IBM Corporation, and Motorola, Inc.*,

C.A. No. 01-601 (KAJ) in the United States District Court for the District of Delaware.¹

The document is currently listed on BIAx's Supplemental Privilege Log (2-15-07) as follows:

PRIV #	DATE	AUTHOR(S)	RECIPIENT(S)	CC	DESCRIPTION	BASIS FOR PRIVILEGE
909.	5/4/00	G. Boone	N/A	N/A	Notes from meeting with C. Carothers, G. Boone, and G. Walpert, Esq. reflecting legal advice from attorney regarding the assertion of BIAx intellectual property in anticipation of litigation	WP

BIAx is submitting a copy of the above-listed document to the Court so that it can review it *in camera* if it deems it necessary.

¹ BIAx originally designated this document as attorney-client privileged on its privilege log. Upon further review, BIAx has determined that the document is attorney work product generated in anticipation of litigation.

February 15, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E M Albritton", written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 15th day of February, 2007.

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

Eric M. Albritton